

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: HOIKHMAN=1

In re Application of:)	Confirmation No.: 2249
)	
David HOIKHMAN et al)	Art Unit: 1615
)	
Appln. No.: 10/565,593)	Examiner: Humera N. Sheikh
I.A. No.: PCT/IL04/000654)	
)	
\$371 date: January 23, 2006)	January 15, 2010
I.A. filed: July 19, 2004)	

For: GELLAN GUM BASED ORAL CONTROLLED RELEASE DOSAGE FORMS —
A NOVEL PLATFORM TECHNOLOGY FOR GASTRIC RETENTION

**REPLY TO RESTRICTION AND
ELECTION OF SPECIES REQUIREMENTS**

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building, Mail Stop Amendment
401 Dulany Street
Alexandria, VA 22314

Sir:

Applicants are in receipt of the Office Action mailed August 18, 2009, and Applicants reply below. Attached is a petition for four (4) months' extension of time.

Restriction has first been required between the product (Group I) and the process (Group II). Applicants hereby respectfully and provisionally elect the product, Group I, without traverse and without prejudice.

The PTO has imposed three separate election of species requirements, and Applicants hereby respectfully and provisionally elect as follows, with traverse and without prejudice.

(1) Election of hydrophilic polymer: (a) guar gum,
xanthan gum

(2) Election of active ingredient: (a) drug

(3) Election of controlled release dosage form: (a)
tablet, caplet, vegecap

The claims which read on the elected species are
claims 1-3 and 5-10. (Only claim 4 is limited to a non-elected
species).

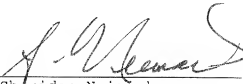
The election of species requirement is traversed on
the basis that the generic claims themselves define a single
general inventive concept under PCT Rules 13.1 and 13.2, and the
PTO has not established anything to the contrary.

Applicants now respectfully await the receipt of the
results of a first examination on the merits.

Applicants have become aware of three additional
citations, namely U.S. Patent 6,210,710; U.S. Patent 5,935,604;
and U.S. Patent 6,207,180. A formal IDS will soon be filed.

Respectfully submitted,

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